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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,345	08/20/2003	Robert Dyrdek	7942-000004	5868
27572	7590	11/17/2004	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			FASTOVSKY, LEONID M	
		ART UNIT	PAPER NUMBER	
		3742		

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/644,345	DYRDEK, ROBERT
	Examiner Leonid M Fastovsky	Art Unit 3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 August 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213. )

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.                            4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date \_\_\_\_\_.  
     5) Notice of Informal Patent Application (PTO-152)  
     6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-9 and 11 -15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spagnoli et al (5,466,911) in view of Schmidt (6,730,877).

Spagnoli teaches an electrically heated window assembly that defrosts and deices the front window by producing a concentration of heat at the portion of the front window through which an operator views an exterior rear view mirror, comprising a window assembly or kit 100 for heating a side window 102 comprising a glass sheet, having side view mirror 112, an electrically conductive film-heater 114 with line 116 located below a nominal door line 117, a power supply 122, a controller 128 with switching capabilities (col. 4, lines 46-54) and timer means 130 electrically coupled to the controller 128 in order to interrupt electrical current to the heater (col. 4, lines 46-54). However, Spagnoli does not teach a single, continuous electrical conductor and a pair of conductor pads. Schmidt teaches a single, continuous, electrical heating element 16 with protective insulating layers 18, 22 and mounted on a windshield, and conductor pads 24 and 26. It would have been obvious to one having ordinary skill in the art to modify Spagnoli's invention to add a single, continuous, electrical heating element having an insulating layers as taught by Schmidt (col. 2, lines 65-67) and mounted on

the glass by adhesive as conventional method of mounting the heating element on the glass, with a pair of conductor pads located below a door line as taught by Spagnoli (col. 4, lines 2-14) and producing a concentration of heat at the portion 112 of the front door window (side lite)102 as taught by Spagnoli, and positioned by an operator's line of sight to the side view mirror of the vehicle in order to assure the best visibility for the driver of the car (Abstract, lines 1-9).

3. Claims 4, 10 and 16-18 and rejected under 35 U.S.C. 103(a) as being unpatentable over Spagnoli in view of Schmidt and further in view of Furuuchi et al (3,864,659).

Spagnoli in view of Schmidt discloses substantially the claimed invention including a timer 130 electrically coupled to the controller 128 in order to interrupt electrical current to the heater (col. 4, lines 46-54), but is silent about a moisture sensor. Furuuchi discloses a humidity sensor (Fig. 1). It would have been obvious to one having ordinary skill in the art to modify the invention of Spagnoli in view of Schmidt to include a moisture sensor in order to automatically detect the formation of condensed moisture as taught by Furuuchi (Claim 1, lines 1-6).

#### ***Response to Arguments***

4. Applicant's arguments filed 8/24/04 have been fully considered but they are not persuasive. Spagnoli teaches an electrically conductive heater 114 that capable of heating an entire area, but he also emphasizes that the most efficient and effective defogging of the window 102 is reached by concentrating heat in the portion 112 (col. 3,

lines 36-45). Therefore it would be obvious to add additional heating in the window of Spagnoli as taught by Schmidt.

### ***Conclusion***

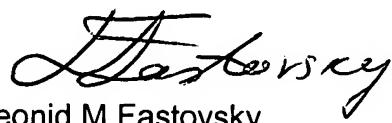
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 703-306-5482. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leonid M Fastovsky  
Examiner  
Art Unit 3742

lmf



ROBIN O. EVANS  
PRIMARY EXAMINER  
11/15/04